

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2284 of 2023

Dr. Kalpana Shrivastava, Wife of Dr. Dilip Kumar, Resident of Nirmala Residency, Block-A, Flat, 204, Sahdeo Path, Patelnagar, P.S.-Shastrinagar, District-800023

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Higher Education, Govt. of Bihar, Patna.
2. The Principal Secretary, Higher Education, Govt. of Bihar, Patna.
3. The Director, Higher Education, Govt. of Bihar, Patna.
4. The Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
5. The Vice Chancellor, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
6. The Registrar, Baba Saheb Bhim Rao Ambedkar Bihar University, Muzaffarpur.
7. The Principal, Niteshwar College, Muzaffarpur.
8. The Union of India through Additional Secretary, Education Department, Govt. of India, New Delhi.
9. The Additional Secretary, Education Department, Govt. of India, New Delhi.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. Manoj Kumar Singh, Advocate
For the State	:	Mr. Nishant Kumar Jha, AC to SC-28
For the University	:	Mr. Anil Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-09-2023 Heard learned counsel for the parties.

2. The petitioner in the present case has prayed for the following reliefs:-

“(i) For issuance of a writ, order, or direction in the nature of certiorari for shifting the date of promotion issued in office order bearing memo no. B/310, dated 13.02.2021 so far it relates to petitioner by which petitioner has been given promotion on the post of professor under career advancement scheme w.e.f. 26.02.2020 instead of,



w.e.f. 22.12.2013 on which date petitioner became eligible for grant of promotion on the post of professor.

(ii) For issuance of writ, order or direction to the nature of mandamus commanding and directing the respondent authorities to give effect of promotion of petitioner on the post of professor with effect from 22.12.2013 the date on which became eligible for grant of promotion in terms with U.G.C. guidelines as contained in F. No. 1-1/2012 (PS) dated November 2014.

(iii) For issuance of an appropriate writ, order or direction including in the nature of Mandamus commanding and direction to the respondent authorities to pay petitioner deference of salary for the following period:-

(A) Differential amount of salary on the post of Reader for the period 22.12.2005 to 2011 the date of notification but the arrear between 20005 to 2011 never paid.

(B) Differential amount of salary on the post of Associate Professor from 22.12.2008 to 21.03.2014.

(iv) For issuance of a writ, order or direction commanding and directing the respondent authorities to revise pension of petitioner in terms with the revise pay on the post of professor to the petitioner issue a fresh P.P.O. and payment of the differential amount of pension hence encashment and gratuity.

(v) To any other relief or reliefs to which petitioner may be entitled to including interest of the rate of 12 percent per annum on the amount of arrears of salary and cost of litigation.

(vi) For issuance of an appropriate writ, order or direction granting any other relief or reliefs for



which the petitioner is found entitled.”

3. A counter affidavit has been filed on behalf of respondent nos. 4 to 6. Paragraphs ‘6’ and ‘7’ of the counter affidavit read as under:-

“6. That it is submitted that the University is willing to re-examine the matter and the same is being considered to be placed before the Selection Committee in its meeting which is likely to be held in the last week of September, 2023 and Syndicate regarding the claim of the petitioner for shifting of date of promotion as Professor.

7. That with regard to issue of payment of differential amount, the University undertakes to make payment of admitted dues after the resolution of Selection Committee.”

4. In the light of the aforesaid statements and the undertaking of the University, this writ application is being disposed of. The University shall redress the grievance of the petitioner by taking appropriate decision within a period of eight weeks from today and issue consequential orders.

(Rajeev Ranjan Prasad, J)

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